

Congress of the United States

Washington, DC 20515

December 15, 2003

The Honorable Asa Hutchinson
Under Secretary for Border and Transportation Security
United States Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Hutchinson:

As Members of the Refugee Caucus, we write to urge you to release Malik Jarno, INS A78 156 178, to the care of the International Friendship House in York, Pennsylvania.

Malik Jarno is a mentally retarded refugee orphan from Guinea seeking asylum in the United States. He has lost nearly three years of his life in immigration custody, mostly in adult jails not equipped to provide for his special needs. Additionally, immigration authorities have failed to act on his repeated requests for release to the International Friendship House in York, Pennsylvania pending the outcome in his matter. The International Friendship House is a reputable shelter designed for refugees which has cared for many other refugees. Malik is understandably depressed and scared given his protracted detention and particularly since, absent your extraordinary intervention, he faces imminent removal to life-threatening circumstances in Guinea.

We understand that the newly created Office of Civil Rights of the Department of Homeland Security has undertaken an investigation into the alleged mistreatment he suffered.

We also understand that there is a motion to reopen Malik's deportation proceedings pending before the Board of Immigration Appeals given new official evidence from USAID in Guinea demonstrating that his life is in jeopardy if returned to Guinea. In his October 28th statement, Mr. Neil Woodruff, the Director of USAID in Guinea, confirms the death of Malik's parents, the destruction of his father's mosque and the lack of any mental health services for Malik. The Director concludes that "[w]ithout a family to care for him, this young man [Malik] would be homeless and subject to ridicule, scorn, abuse and mistreatment since this type of disabled person is not looked upon kindly by the general public Malik would face the almost certain prospect of a bleak and life-threatening future in Guinea, would have great difficulty finding people to care or provide for him, and would almost certainly be forced to live on the streets of Conakry if forced to return here." We encourage the Department of Homeland Security to support reopening his case based on this new evidence since it would be unconscionable to deport Malik to these circumstances.

You have the power and ability to stay Malik's removal and immediately release Malik to the International Friendship House pending a final resolution in his case. We

urge you to do so considering his vulnerabilities, and the significant concern his plight has generated with Congress, the media and the public. While Malik is not a flight risk in the care of the International Friendship House, you may release him under any parole status and impose conditions for his release such as a reasonable bond and stringent reporting requirements.

We appreciate your immediate attention to this urgent matter and look forward to your response.

Sincerely,


ZOE LOFGREN


JOHN CONYERS


SHEILA JACKSON-LEE


HOWARD BERMAN

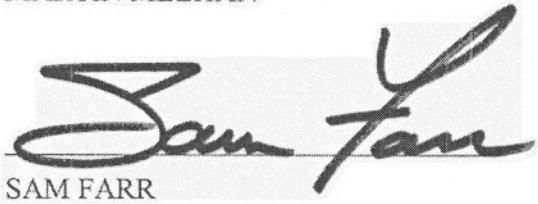

TOM LANTOS


GEORGE MILLER


RAÚL GRIJALVA


MARTIN MEEHAN


CHAKA FATTAH

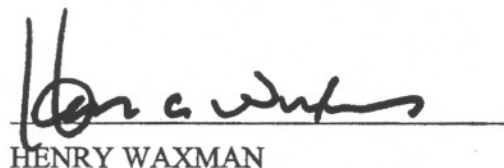

SAM FARR

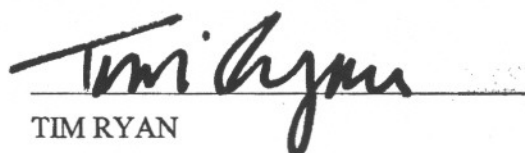

CHRISTOPHER SMITH


JOSÉ SERRANO

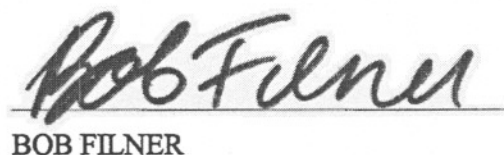

DONALD PAYNE

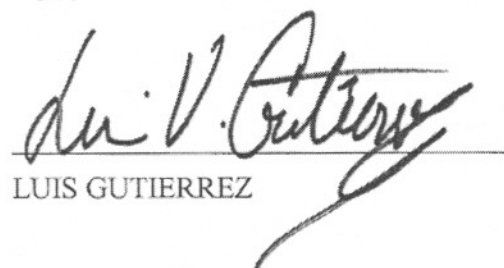

JIM McDERMOTT


HENRY WAXMAN

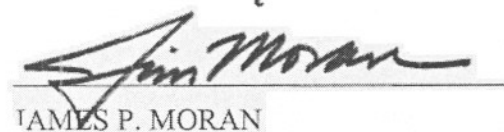

TIM RYAN

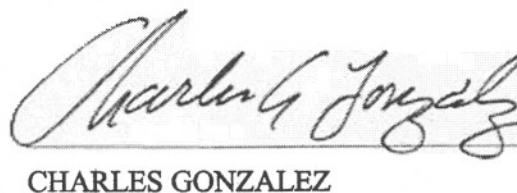

NEIL ABERCROMBIE

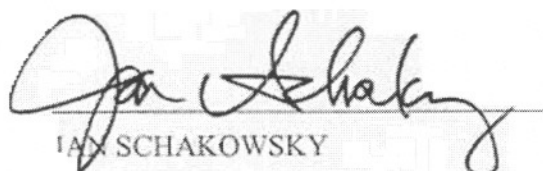

BOB FILNER

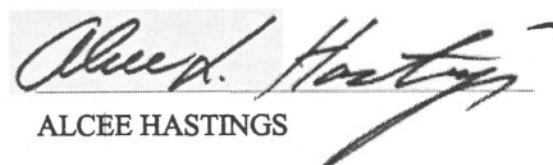

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